

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

TIMOTHY AARON MCPEAK,

Plaintiff,

v.

CIVIL ACTION NO. 1:17-04382

**NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,**

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b) (1) (B). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation ("PF&R") on January 28, 2019, in which he recommended that the district court deny plaintiff's request for judgment on the pleadings; grant the Commissioner's request to affirm the final decision; affirm the Commissioner's decision; and dismiss this matter from the court's docket. ECF No. 21.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to the magistrate judge's PF&R. The failure of any party to file such objections

constitutes a waiver of such party's right to a de novo review by this court. See Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party has filed any objections to the magistrate judge's PF&R within the required time period. Accordingly, the court adopts the factual and legal analysis contained within the PF&R as follows:

1. Plaintiff's request for judgment on the pleadings is **DENIED**, (ECF No. 15);
2. Commissioner's request to affirm the final decision is **GRANTED**, (ECF No. 16);
3. The final decision of the Commissioner is **AFFIRMED**; and
4. The Clerk is directed to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

It is **SO ORDERED** this 20th day of March, 2019.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge